



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/625,913

07/26/2000

Albert Henricus Franciscus de Heer

002566-016100

8216

64313

7590

07/29/2008

NIXON PEABODY LLP

401 Ninth Street, N.W.

Suite 900

WASHINGTON, DC 20004

EXAMINER

AL HASHEMI, SANA A

ART UNIT

PAPER NUMBER

2164

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/625913
Filing Date: March 01, 2001
Appellant(s): GANESAN, KRISHNAMURTHY

Daniel S. Song
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 28th, 2006 appealing from the Office action mailed January 24th, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,740,425	Povilus	4-1998
6,249,772	Walker et al.	6-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-39 are rejected under 35 U.S.C. as being unpatentable over Povilus (US Patent No. 5,740,425) in view of Walker et al. (Walker hereinafter) (US patent No. 6,249,772)

Regarding Claims 1, and 31, 32, and 33, Povilus discloses a method of distributing data for use in a catalog, comprising:

capturing product data for one or more products according to data model, the data model having one or more classes, each one of the one or more classes being defined by one or more categories, each of the one or more categories being defined by an attribute group having one or more product attributes (see Col. 6, lines 48-53, Povilus);

Povilus is silent with respect to the method of storing the captured product data in the product data file including both a manufacturer SKU that identifies each of the products and at least one customer SKU that identifies each of the product for a customer requesting distribution of specified product data from the product data file for use in an electronic catalog, the manufactures SKU being associated with at least one customer SKU, the customer SKU also being associated with the customer for which the product data is being stored for subsequent distribution to the customer, wherein the stored product data is suitable for use by the customer in an electronic catalog, the customer being a manufacture, retailer, or distributor of the products. On the other hand Walker at Fig. 6A disclose the method of storing the product data including both a manufacturer SKU that identifies the product (ITEM NUMBER, wherein the item number corresponds to the manufacture SKU) and a customer SKU that identifies the product (STORE ID NUMBER, wherein the store id number corresponds to the customer SKU), and at least one customer SKU that identifies the product, each customer SKU being associated with a customer for which the product data is being stored for subsequence distribution to the customer (MODEL), wherein the sorted product data is suitable for use in an electronic catalog, the customer being a manufacturer, retailer, or distributor of the product (Co. 8, lines 10-17, Walker). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Povilus and providing more than one identification number to one product, skilled artisan would have been motivated to do so to control the flow of products to different retailer by one identification number even if the retailers use different method of identifying the same product based on the way the sort their products.

Art Unit: 2111

Regarding Claims 2, 34, 35, and 36, Povilus in view of Walker discloses a method of maintaining catalog data stored in a system product data file, comprising:

receiving a customer product portfolio file, the customer portfolio file including a plurality of SKUs associated with a plurality of products for which product data is requested by a customer for use in an electronic catalog, the customer being a manufacturer, retailer, or distributor of the products (Col. 7, lines 13-19, Povilus¹);

electronically mapping the customer product portfolio file to the system product data file such that each product identified in the customer product portfolio file for which product data is not in the system product data file is identified, thereby indicating whether product data for each of the products for which data is requested by the customer has been previously obtained and stored in the system product data file (Col. 7, lines 19-28, Povilus);

capturing product data for at least one product identified in the customer product portfolio file that is not stored in the system product data file (Col. 8, lines 2-7, Povilus);

adding the captured product data for the product to the system product data file (Col. 8, lines 7-15, Povilus).

Regarding Claims 3, and 4, Povilus in view of Walker discloses a method further including:

generating component data for the product from the system product data file, wherein the component data includes at least one of a product description, technical specifications, a marketing description, an image (Col. 8, lines 25-33, Povilus).

¹ Examiner interprets the Definer corresponds to the customer SKU.

Regarding Claim 5, and 6, Povilus in view of Walker discloses a method further including:

generating enriched product data from the system product data file according to a customer profile, transmitting the enriched product data (Col. 8, lines 34-39, Povilus²);

Regarding Claim 6, Povilus in view of Walker discloses a method wherein the steps of generating enriched product data and transmitting the enriched product data are performed simultaneously with the steps of capturing data, adding the captured product data, and generating component data (Col. 8, lines 52-58, Povilus).

Regarding Claim 7, Povilus in view of Walker discloses a method wherein the customer product portfolio file includes:

a manufacturer SKU associated with a product (Col. 17, lines 58-61, Povilus);
a customer SKU assigned by a customer to the product (Col. 18, lines 17-25, Povilus);
a manufacturer identifier for the product that identifies a manufacturer of the product (Col. 17, lines 61-66, Povilus);
a product description describing the product (Col. 17, lines 41-54, Povilus).

Regarding Claim 8, Povilus in view of Walker discloses a method further including:
retrieving a component definition associated with the component data, the component definition having a section header, a line header, and a line body definition that defines contents and format for a line body which describes the line header (Col. 20, lines 1-20, Povilus);

obtaining the contents of the line body from the system product data file and from literals provided in the line body definition (Col. 20, lines 10-19, Povilus);

² Examine interprets the further details disclosed by Povilus corresponds to enriched claimed.

Art Unit: 2111

providing the section header, the line header, and the line body (Col. 20, lines 19-29, Povilus).

Regarding Claim 9, Povilus in view of Walker discloses a method further including:
classifying the product in one of a plurality of categories, each of the categories having at least one attribute group that identifies one or more attributes, each of the attributes being associated with one or more values (Col. 19, lines 46-63, Povilus);

wherein the line header identifies an attribute group associated with the product (Fig. 19, Povilus).

Regarding Claim 10, Povilus in view of Walker discloses a method further including:
classifying the product according to a data model (Col. 19, lines 20-24, Povilus);
extracting information specified by a component definition from the system product data file and the data model (Col. 19, lines 24-29, Povilus);

building a component descriptor from the extracted information and the component definition (Col. 19, lines 29-31, Povilus).

Regarding Claim 11, Povilus in view of Walker discloses a method further including:
providing the component descriptor in response to a catalog query (Col. 19, lines 40-45, Povilus).

Regarding Claim 12, Povilus in view of Walker discloses a method further including:
storing the component descriptor in a file (Col. 10, lines 60-63, Povilus).

Regarding Claims 13, and 37, Povilus in view of Walker discloses a method of maintaining catalog data stored in a system product data file, comprising:

receiving a customer product portfolio file that identifies products for which product data is requested, wherein the customer product portfolio file includes a plurality of SKUs associated with the products for which product data is requested by the customer for use in an electronic catalog, the customer being a manufacturer, retailer, or distributor of the products the customer being a manufacturer, retailer, or distributor of the products for which data is requested by the customer in the customer products portfolio file(Col. 10, lines 27-50, Povilus);

electronically mapping the customer product portfolio file to the system product data file such that each product for which product data is in the system product data file is identified (Col. 10, lines 50-60, Povilus);

generating enriched product data that includes added product from the system product data file in accordance with a customer profile indicating product data associated with the product which are not be transmitted to the customer;

transmitting the enriched product data with the added product data to customer wherein the enriched product data is suitable for use by the customer in an electronic catalog (Col. 12, lines 5-19, Povilus).

Regarding Claim 14, Povilus in view of Walker discloses a method wherein the customer profile identifies at least one customer, and wherein generating enriched product data from the system product data file according to the customer profile includes:

obtaining a system record associated with a customer from the system product data file (Col. 6, lines 66-67, Povilus);

generating a product header for the system record, the product header including a customer SKU associated with the system record (Col. 12, lines 5-19, Povilus).

Regarding Claim 15, Povilus in view of Walker discloses a method wherein the product header further includes a system SKU that identifies a product associated with the system record and a category identifier that identifies a category in which the product is classified (Fig. 19, Povilus).

Regarding Claim 16, Povilus in view of Walker discloses a method wherein the product header further includes at least one of a manufacturer product description that describes standard features of the product, a product line associated with the product, and a model number associated with the product (Col. 17, lines 41-57, Povilus).

Regarding Claim 17, and 18, Povilus in view of Walker discloses a method wherein the customer profile further includes customer searchable attribute preferences corresponding to each customer, the customer searchable attribute preferences specifying attributes for which values are to be transmitted, the method further including:

obtaining attribute values for the specified attributes from the system record (Col. 14, 58-65, Povilus).

Regarding Claim 19, Povilus in view of Walker discloses a method further including:
producing a list of related products associated with the system record (Col. 13, lines 27-35, Povilus).

Regarding Claim 20, Povilus in view of Walker discloses a method, wherein the list of related products includes the customer SKU associated with the system record (Col. 17, lines 58-61, Povilus) and a customer SKU for each of the related products (Col. 17, lines 58-61, Povilus).

Regarding Claims 21, 29, and 30, Povilus in view of Walker discloses a method of maintaining catalog data stored in a system product data file, comprising:

receiving a customer product portfolio file that identifies products for which product data is requested by one or more customer, the product data being suitable for use in an electronic catalog, the customer product portfolio file including a manufacturer SKU associated with each product for which product data is requested for use in an electronic catalog, a customer SKU associated with the product, a manufacturer identifier identifying a manufacturer of each of the products for which product data is requested, the customer being a manufacturer, retailer, or distributor products for which product data is requested by the customer in the customer products portfolio file (Col. 10, lines 27-50, Povilus); and

electronically mapping the customer product portfolio file to the system product data file such that each product for which product data is not in the system product data file is identified, thereby identifying products for which product data is requested but has not been previously obtained and stored in the system product data file (Col. 10, lines 50-60, Povilus).

Regarding Claim 22, Povilus in view of Walker discloses a method wherein mapping the customer product portfolio file includes:

ascertaining whether the manufacturer identified in the customer product portfolio file is new, the manufacturer being a new manufacturer if the manufacturer is not identified in the system product data file (Col. 12, lines 5-19, Povilus); and

if the manufacturer is new, assigning a manufacturer identifier to the new manufacturer such that the manufacturer identifier is stored in the system product data file (Col. 17, lines 41-54, Povilus).

Regarding Claim 23, Povilus in view of Walker discloses a method wherein mapping the customer product portfolio file includes:

Art Unit: 2111

determining whether the customer SKU in the customer product portfolio file is new, the customer SKU being new if the customer SKU is not identified in the system product data file (Col. 7, lines 13-19, Povilus);

if the customer SKU is new, creating a new system SKU such that the new system SKU is mapped in the system product data file to the customer SKU (Col. 19-28, Povilus).

Regarding Claim 24, Povilus in view of Walker discloses a method further including:

classifying the new system SKU according to a data model, the data model including one or more classes, each of the one or more classes including one or more categories (Col. 18, lines 41-50, Povilus).

Regarding Claim 25, Povilus in view of Walker discloses a method further including:

determining whether the customer SKU is invalid (Col. 38, lines 56-63, Povilus);

reporting the customer SKU if it is determined to be invalid (Col. 38, lines 63-67, Povilus).

Regarding Claim 26, Povilus in view of Walker discloses a method of querying a catalog database, the catalog database including product data for one or more products, each of the products being classified in at least one of a plurality of product categories, the product data for each product including a set of product attributes corresponding to the product category within which the product is classified, each of the product attributes having at least one attribute value, the method comprising:

accepting a selection of at least one of the set of product attributes corresponding to one of the plurality of product categories (Col. 18, lines 51-54, Povilus);

Art Unit: 2111

accepting a selection of products within the one of the plurality of product categories (Col. 18, lines 5-59, Povilus);

obtaining one or more attribute values corresponding to the selected product attributes for each of the selected products from the catalog database (Col. 18, lines 60-65, Povilus);

displaying the obtained attribute values for the selected products (Col. 15, lines 24-32, Povilus).

Regarding Claim 27, Povilus in view of Walker discloses a method where displaying the obtained attribute values for the selected products includes assigning normalized numeric values to the obtained attribute values (Col. 18, lines 51-54, Povilus).

Regarding Claim 28, Povilus in view of Walker discloses a method of querying a catalog database including product data for one or more products classified according to a data model, the method comprising:

accepting a user query specifying a product and a component to be retrieved for use in an electronic catalog, the catalog component including at least one of a product description, technical specifications, a marketing description, an image, and a URL associated with the product (Col. 19, lines 25-31, Povilus);

obtaining a catalog component definition associated with the catalog component, the catalog component definition defining a format for the catalog component (Col. 18, lines 60-65, Povilus);

extracting information specified by the catalog component definition from the catalog database and the data model (Col. 19, lines 34-45, Povilus);

building a catalog component descriptor from the extracted information and the catalog component definition (Col. 19, lines 46-54, Povilus).

(10) Response to Argument

The Appellants respectfully contend that the Examiner has failed to establish a *prima facie* case of obviousness, and the rejection set forth in the Office Action mailed January 24, 2006 should be reversed.

As demonstrated by the record, the Examiner has established a *prima facie* case of obviousness, which the Appellant has failed to rebut. MPEP §2143 specifies,

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).”

The Examiner has demonstrated that the ordinary skilled artisan, working in the database art, would have been motivated to “modify the Povilus system with the Walker system to improve the method of distribution of products in an online catalog identified by the manufacturer ID/SKU and associating that ID with a customer ID/SKU number. In particular the method of associating a manufacturer/product ID/SKU with a store ID/SKU.” See grounds for rejection under 35 USC §103 above.

Next, the Examiner has demonstrated a reasonable expectation of success. Both Povilus and Walker are directed to inventions in the identifying products in an online catalogs and associating that product with a customer are in the same field of endeavor, updating electronic catalogs with a products identification by a user ID/SKU and manufacturer ID/SKU.

Specifically, both patents are directed to structuring and organizing product and manufacturer information along with the customer/ retailer information identified by ID/SKU.

The resultant, and obvious, combination of Povilus and Walker would have resulted in the beneficial and obvious advantageous result of increasing the number of users, proper distribution of product based on the demand for specific product and updating an online catalog to provide variety of product as available which will resultant in providing each user/ retailer with the only needed or requested product based on the demand for that product and will help improve the tracking and monitoring the movement of each product based on a specific area or product.

Finally, all of the claim limitations are taught by the combination as set forth on record, and reiterated above.

Appellant argues that “the cited Povilus reference discloses a relevant data structure and method for creating, maintaining, and publishing multiple renditions of both electronic and printed, single and multi-manufacturer catalogs using a single product database. (See Povilus, Abstract)”.

Examiner disagrees. Appellant cannot show non-obviousness by attacking references individually in a 103 rejection where, as the rejections are based on combination of references.

In re Keller, 208 USPQ 871(CCPA 1981). In responds to the Appellant argument the Povilus reference is relevant data structure and method for creating, maintaining, and publishing multiple renditions of both electronic and printed, single and multi-manufacturer catalogs using a single product database, which is the intended use of the invention.

Appellant argues that “the Examiner appears to be engaging in impermissible ‘hindsight reconstruction’ to use the teachings of the present application to derive the present invention in that Walker does not relate to the technological field or solve the problem that is addressed by the Povilus reference and the present invention, and one of ordinary skill in the art would not be motivated to refer to the cited Walker reference.

Examiner disagrees. Walker in the Back Ground of the Invention has recognized the need for a connection between a manufacturer and a retailer as stated Col. 2, lines 47-62, “Catalog sales suffer the same problem as manufacturer outlets. Further, both efforts factory outlets and catalog sales--require a manufacturer to enter and compete directly in the field of direct-to-customer sales. Such direct participation in customer sales requires a significant investment in resources, and business which manufacturers typically have not been required to develop. More specifically, manufacturers often do not possess retail skills in the traditional areas of distribution, marketing, and direct customer support necessary to compete effectively in direct customer sales. JCPenney is an example of a retailer who, through the focused utilization of both retail and direct marketing skills, has developed a highly successful catalog business. The success of the JCPenney operation, where catalog orders may be collected through a local retail outlet, has been credited in large part to the application of local store retail skills to the catalog portion of the business. Such retail skills directly illustrate what most manufacturers are

lacking.” Therefore the Appellant statement of the Examiner appears to be engaging in impermissible “hindsight” reconstruction’ is invalid.

Appellant argues that the “product data includes both a manufacturer SKU that identifies each of the products, and customer SKU that identifies each of the products. These claims also recite that the manufacturer SKU is associated with the customer SKU, and each customer SKU is also associated with a customer”.

Examiner disagrees. First let’s look at the claim language “ product data including both a manufacturer SKU that identifies each of the products, and at least one customer SKU that identifies each of the products”. The Claim is not clear to whether the products are the same or not, the second part of the argument “the manufacturer SKU is associated with the customer SKU, and each customer SKU is also associated with a customer.” The Claim language “ the manufacturer SKU being associated with at least one customer SKU, the customer SKU is also being associated with the customer for which the product data is being stored”. The claim does not contain each customer, to continuo with the claim language “the customer being a manufacturer, retailer, or distributor of the product”. In other word if the customer is a manufacturer the invention would have one SKU. Now refereeing to the Walker reference Fig. 6A, the Walker discloses a table “ITEM NUMBER”, “ITEM DESCRIPTION” and “MANUFACTURER” which corresponds to the manufacturer SKU and data description, the “STORE NUMBER” corresponds to the customer SKU number since it’s a way of identifying a retailer. On the other hand Povilus at Col.19, lines 64-67, Col. 20, lines 1-29 stated “ In the preferred embodiment, the SKU table template (313) is generated by a computer program operating upon information already existing in the Knowledge Base portion (FIG. 10) of the

Art Unit: 2111

data foundation (248). The SKU table template, an example of which is shown FIG. 19, can be envisioned as an empty table made up of rows and columns, with one row for each of an unlimited number of SKUs, and a finite quantity of columns within three categories. The first category of columns ("standard columns") is the same for all SKU tables of all realms of all manufacturers. This category includes such columns as printed page reference number(s), product number, product line, product name, product object reference, and option group reference, etc. The second category of columns ("realm columns") includes two columns for each Differentia and Genus in the realm (see FIG. 12). One of the two columns is for "raw" data and the other is for "final" data, where raw data entries can be any type of characters and final data is a Boolean (true or false) for all Genus 190 and Discrete Differentia 182. The final data entry is a real number in the case of Real Differentia 180. These columns are preferably the same for all SKU tables of all manufacturers, where the tables apply to the same realm. A third category of columns ("custom columns") is made up of columns that can be different for each different manufacturer's table within the same realm. Whereas the first two categories are automatically added to a SKU table at its creation, columns are added for the custom columns category manually, as needed to capture entries for additional manufacturer characteristics not included in the realm's concept frame(s). Note that "custom column" characteristics may or may not be used to either differentiate between base SKUs or to serve as option items that help define particular configurations of a base SKU. Therefore these limitations have been met by the combination of Povilus in view of Walker

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Sana AL-Hashemi
Primary Examiner

Conferees:

/Eddie C Lee/
Supervisory Patent Examiner, TC 2100

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164

Charles Rones
Supervisory Patent Examiner

Daniel S. Song
NIXON PEABODY LLP
401 9th Street N.W. Suit 900
Washington, DC 20004